



2.1 Stakeholder and Tribal Involvement

K. R. Price

Many entities have a role in DOE's mission of environmental restoration, waste management, and protection of the Columbia River at the Hanford Site. Stakeholders include federal, state, and local regulatory agencies; environmental groups; regional communities and governments; and the

public. Indian tribes and nations also have a special and unique involvement with the Hanford Site. The following sections describe the roles of the principal agencies, organizations, and public at the Hanford Site.

2.1.1 Regulatory Oversight

K. A. Peterson

Several federal, state, and local regulatory agencies are responsible for monitoring and enforcing compliance with applicable environmental regulations at the Hanford Site. The major agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton Clean Air Authority. These agencies issue permits and administrative orders, negotiate compliance agreements, review budgets and workscope, review environmental reports and documentation, participate in joint monitoring programs, inspect facilities and operations, and/or oversee compliance with applicable regulations. DOE directs site activities, including environmental compliance, through contractor audits, oversight, and directives.

EPA is the primary federal regulatory agency that develops, promulgates, and enforces environmental regulations and standards as directed in statutes passed by Congress. In some instances, EPA has delegated authority to the state or authorized the state program to operate in lieu of the federal program when the state's program meets or exceeds EPA's requirements. For instance, EPA has delegated or authorized certain enforcement authorities

to the Washington State Department of Ecology for air pollution control and hazardous waste management. In other activities, the state program is assigned direct oversight of the DOE Richland Operations Office as provided by federal law. For example, the Washington State Department of Health has direct authority under the *Clean Air Act* to enforce the standards and requirements under a statewide program to regulate radionuclide air emissions at applicable facilities (e.g., the Hanford Site). Where federal regulatory authority is not delegated or only partially authorized to the state, EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site. In addition, EPA periodically reviews the adequacy of various state environmental programs and reserves the right to directly enforce federal environmental regulations.

Although Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of the state's location along the Columbia River. Oregon participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans.



2.1.2 Hanford Federal Facility Agreement and Consent Order

R. D. Morrison

This order (also known as the Tri-Party Agreement; Ecology et al. 1998) is an agreement among the Washington State Department of Ecology, EPA, and DOE to achieve environmental compliance at the Hanford Site with the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), including the *Superfund Amendments and Reauthorization Act of 1986* remedial action provisions, and with the *Resource Conservation and Recovery Act* (RCRA) treatment, storage, and disposal unit regulations and corrective action provisions. The Tri-Party Agreement 1) defines RCRA and CERCLA cleanup commitments, 2) establishes responsibilities, 3) provides a basis for budgeting, and 4) reflects a concerted goal to achieve regulatory compliance and remediation with enforceable milestones in an aggressive manner. A companion document to the Tri-Party Agreement is the Community Relations Plan. The plan describes how public information and involvement activities are conducted for Tri-Party Agreement decisions.

The Tri-Party Agreement has continued to evolve as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated between Washington State Department of Ecology, EPA, and DOE to meet the changing conditions and needs of the cleanup. The most complex

changes were worked out in 1993 with further modifications each year since. All significant changes to the agreement undergo a process of public involvement that ensures communication and addresses the public's concerns prior to final approvals. Copies of the agreement are publicly available at the DOE's Hanford Reading Room located in the Consolidated Information Center on the campus of Washington State University at Tri-Cities, Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. The Tri-Party Agreement can also be viewed on the Internet at <http://www.hanford.gov/tpa/tpahome.htm>. To get on the mailing list to obtain Tri-Party Agreement information, contact the EPA or DOE directly, or call the Washington State Department of Ecology at 1-800-321-2008. Requests by mail can be sent to:

Hanford Mailing List: Informational Mailings
Public Involvement, M/S B3-30
P.O. Box 1000
Richland, WA 99352

or

Hanford Update
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

2.1.3 The Role of Indian Tribes

K. V. Clarke

The Hanford Site is located on land ceded to the United States government by the Yakama Nation and the Confederated Tribes of the Umatilla Indian Reservation in the Treaties of 1855. These tribes, as well as the Nez Perce Tribe, have treaty fishing rights on portions of the Columbia River. These tribes

reserved the right to fish at all usual and accustomed places and the privilege to hunt, gather roots and berries, and pasture horses and cattle on open and unclaimed land. The Wanapum People are not a federally recognized tribe; however, they have historic ties to the Hanford Site as do the Confederated Tribes of the Colville Reservation, whose members

are descendants of people who utilized the area that is known as the Hanford Site.

The Hanford Site environment supports a number of Native American foods and medicines and contains sacred places important to tribal cultures. The tribes hope to use these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

American Indian Tribal Governments have a special and unique legal and political relationship with the Government of the United States, defined by history, treaties, statutes, court decisions, and the U.S. Constitution. In recognition of this relationship, DOE and each tribe interact and consult directly. Tribal government representatives from the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe participate in DOE supported groups such as the State and Tribal Government Working Group, the Hanford Natural Resources Trustee Council, the Hanford Site Groundwater/Vadose Zone Integration Project, the Hanford Cultural Resources Program, and provide review and comments on draft documents. Both the Wanapum People and the Confederated Tribes of the Colville Reservation are also provided an opportunity to comment on documents and participate in cultural resource management activities.

The DOE American Indian and Alaska Native Tribal Government Policy (revised November 2000) guides DOE's interaction with tribes for Hanford plans and activities. The policy states, among other things, "The Department will consult with any American Indian or Alaska Native tribal government with regard to any property to which that tribe attaches religious or cultural importance which might be affected by a DOE action." DOE Order 1230.2 will be changed to reflect the revisions to the former DOE American Indian Policy. In addition to the DOE American Indian and Alaska Native Tribal Government Policy, laws such as the *American Indian Religious Freedom Act*, the *Archaeological Resources Protection Act*, the *National Historic Preservation Act*, and the *Native American Graves Protection and Repatriation Act* require consultation with tribal governments. The combination of the Treaties of 1855, federal policy, executive orders, laws, and regulations provide the basis for tribal participation in Hanford Site plans and activities. DOE provides financial assistance through cooperative agreements with the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe to support their involvement in environmental management activities of the Hanford Site.

2.1.4 Hanford Natural Resource Trustee Council

J. H. Zeisloft

The President of the United States is required by CERCLA to appoint federal officials to act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. The President appointed the Secretary of Energy as the primary federal natural resource trustee for all natural resources located on, over, or under land administered by DOE. Other designated

federal trustees for Hanford natural resources include the U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management, and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration.

CERCLA also authorizes state governors to designate a state lead trustee to coordinate all state trustee responsibilities. CERCLA further states that chairmen (or heads of governing bodies) of Indian





tribes have essentially the same trusteeship over natural resources belonging to or held in trust for the tribe as state trustees. Indian tribes and state organizations have been designated as natural resource trustees for certain natural resources at or near the Hanford Site. Indian tribes include the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. State organizations include Washington, represented by the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife, and Oregon represented by the Oregon Department of Energy.

To address their responsibilities, the Hanford trustees have signed a Memorandum of Agreement (1996) formally establishing the Hanford Natural Resource Trustee Council. The primary purpose of the Council is to facilitate the coordination and cooperation of the member trustees in their efforts to mitigate the impacts to natural resources that result from either hazardous substance releases within the Hanford Site or the remediation of those releases.

The Council also adopted bylaws to direct the process of arriving at consensus agreements.

The Natural Resource Trustee Council is performing an ongoing assessment of potential injury to Columbia River aquatic resources from exposure to hazardous substances released within the Hanford 100 Areas. The initial phase of this assessment involved preparation of an aquatic resources assessment plan by the U.S. Fish and Wildlife Service using the natural resource damage assessment regulations in 43 CFR 11 as guidance (Hanford Natural Resource Trustee Council 1999). The plan focused on several contaminants, including chromium that has migrated via groundwater flow to sections of the Columbia River used by fall chinook salmon for spawning. As recommended in the assessment plan, the council is studying the potential for these chromium releases to injure the salmon. The results of this study will aid the trustees, regulators, and DOE to develop, evaluate, and select remedial actions that minimize or eliminate any injury to the salmon.

2.1.5 Public Participation

B. K. Wise

Individual citizens of Washington and neighboring states may influence Hanford Site cleanup decisions through public participation activities. The public is provided opportunities to contribute their input and influence decisions through many forums, including Hanford Advisory Board meetings, Tri-Party Agreement activities, *National Environmental Policy Act* public meetings on various environmental impact statements and many other outreach programs.

A framework for integrated communications and public involvement for the Hanford Site outlines DOE's commitment to plan for involving the public in decisions. The Office of Intergovernmental, Public and Institutional Affairs (DOE Richland

Operations Office) is responsible for establishing the planning and scheduling of public participation for the Hanford Site.

The Tri-Party Agreement provides a means for Hanford to become compliant with environmental regulatory requirements. The Community Relations Plan (Ecology et al. 1997), a companion to the Tri-Party Agreement, describes how public information and involvement activities are conducted for Tri-Party Agreement decisions. Washington State Department of Ecology, DOE, and EPA developed and negotiated the plan with input from the public. The plan was approved in 1990. The plan is updated on an as-needed basis; the most recent revision occurred in 1997.

Before each public participation event, the press is informed of the issues to be discussed, and notices are sent to elected officials, community leaders, and special interest groups. A mailing list of ~3,800 individuals who have indicated an interest in participating in Hanford Site decisions is maintained and kept current. The mailing list also is used to send topic-specific information to those people who have requested it.

To inform the public of upcoming opportunities for public participation, the Hanford Update, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published bimonthly. In addition, the Hanford Happenings calendar, which highlights Tri-Party Agreement scheduled meetings and comment periods, is distributed each month to the entire

mailing list. Most of Hanford's stakeholders reside in Washington, Oregon, and Idaho. To allow them better access to up-to-date Hanford Site information, four information repositories have been established. They are located in Richland, Seattle, and Spokane, Washington, and Portland, Oregon.

The three parties respond to questions that are received via a toll-free telephone line (800-321-2008). Members of the public can request information about any public participation activity and receive a response by contacting the Office of Inter-governmental, Public and Institutional Affairs (DOE Richland Operations Office) at (509) 376-7501. Also, a calendar of public involvement opportunities can be found on the Internet at <http://www.hanford.gov/calendar/>.

2.1.6 Hanford Advisory Board

B. K. Wise

The Hanford Advisory Board was chartered in January 1994 to advise DOE, EPA, and Washington State Department of Ecology on major Hanford Site cleanup policy issues. The Hanford Advisory Board was the first of many such advisory groups created by DOE at weapons production cleanup sites across the national DOE complex. The Hanford Advisory Board consists of 31 members who represent a broad cross section of interests, including environmental, local governments, public health, business, tribal governments, and the public. Each board member has at least one alternate. Todd Martin, public at large, is the chairperson. During 2000 the board undertook an effort to re-examine its processes and procedures. The goal of this restructuring activity was to increase board effectiveness and efficiency. The board identified five standing committees to focus on the following issues: 1) finance and contract management, 2) river corridor/central plateau, 3) human health and safety, 4) Office of River Protection tank issues,

and 5) public communication. In addition, a leadership committee was identified to frame policy and address administrative issues for the board.

The board held six 2-day meetings in fiscal year 2000. Members engaged in discussions with representatives from the Tri-Party Agreement agencies on major cleanup issues, plans to treat tank waste, and budget priorities. From October 1999 through September 2000, the board produced 11 new pieces of consensus advice (making a total of 111), engaged in a series of "sounding boards," participated in several workshops and engaged in informational exchanges with each other and representatives from the Tri-Party Agreement agencies. Information about the Hanford Advisory Board, including copies of its advice and responses can be found on the Internet at <http://www.hanford.gov/boards/hab/index.htm>.

Sections 2.1.6.1 and 2.1.6.2 are the Hanford Advisory Board Statement of Principles (prepared and presented to the Assistant Secretary of Energy for Environmental Management on September 20, 1999).





2.1.6.1 Long-Term Vision

The long-term vision of the Hanford Advisory Board states that the Hanford Site will become a clean, accessible, and healthy environment by

- protecting the health and safety of communities and workers
- protecting the Columbia River and the environment
- moving resolutely forward to site cleanup through use of existing technologies and resources where solutions exist, and through focused research and development of solutions where solutions do not exist
- respecting treaty rights of affected Native American Indian Tribes
- embracing the Tri-Party Agreement, which has widespread and deep public support in the Northwest, as the basic framework and blueprint for the Hanford cleanup
- preparing the site for future productive uses including the transfer from predominantly DOE-funded activities to privately sponsored activities
- fostering economic prosperity through scientific research and innovation in the development and

testing of waste management approaches and cleanup technologies that have benefits locally and worldwide.

2.1.6.2 Near-Term Needs

The Hanford Advisory Board has developed a statement of principles regarding the near-term needs of the Hanford Site. The board agreed that DOE should

- reduce the footprint of future stewardship needs by cleanup and waste stabilization
- maintain integrity of the Tri-Party Agreement; meet milestones
- design, construct, and operate a tank waste vitrification plant
- remove spent nuclear fuel and sludge from the K basins
- decontaminate and stabilize the Plutonium Finishing Plant
- complete cleanup along the Columbia River
- protect workers; improve and enhance their morale and productivity.

2.1.7 Hanford Site Technology Coordination Group

L. L. Fassbender

The Hanford Site Technology Coordination Group was established in 1994 and its structure was modified in early 2000. It now consists of a Management Council and five subgroups aligned with the Environmental Management Focus Areas: 1) deactivation and decommissioning, 2) mixed waste, 3) subsurface contaminants, 4) tanks, and 5) nuclear materials. The DOE Headquarters' Office of Environmental Management established the focus areas to develop and deliver solutions to technology needs identified at DOE sites across the nation. Subgroups of the Hanford Site Technology

Coordination Group provide detailed documentation of the Hanford Site's technology needs to guide the focus areas' efforts in technology development.

The Management Council focuses on Hanford Site policy issues related to technology development and deployment. Subgroups of the Hanford Site Technology Coordination Group identify and prioritize the site's science and technology needs, identify technology demonstration opportunities, interface with the Environmental Management Focus Areas, and ensure that demonstrated technologies are deployed.

During 2000, the subgroups endorsed the science and technology needs developed by the site contractors for submittal to the Environmental Management Focus Areas and the Environmental Management Science Program. The Environmental Management Science Program sponsors basic research on fundamental issues that may be critical to ongoing technology development. This research will decrease public and worker risks, provide major cost reduction opportunities, reduce the time required to achieve DOE's cleanup mission, and address problems considered intractable without new knowledge. Hanford's science and technology needs can be found on the Internet at <http://www.pnl.gov/stcg/needs.stm>. In addition, the subgroups heard and provided comments on numerous presentations on a variety of new technologies being demonstrated and/or deployed on the Hanford Site.

The DOE Richland Operations Office Associate Manager for Science and Technology now chairs the Management Council. It includes four DOE Richland Operations Office Assistant Managers (Environmental Restoration and Waste Management, Nuclear Materials and Facility Stabilization, Planning and Integration, and Safety and Engineering), as well as representatives from the Office of Spent Nuclear Fuels, the Fast Flux Test Facility Project Office, and the Office of Training Services and Asset Transition. Representatives from the DOE Office of River Protection also participate. The Management Council includes two representatives from EPA, two from the Washington State Department of Ecology, one from the Oregon Department of Energy, three from the Hanford Advisory Board, and three from American Indian tribes (Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation). The Hanford Site contractors also have designated representatives on the Management Council.

The elements of the Hanford Site Technology Coordination Group mission statement are as follows:

- involve user organizations (both DOE and the contractors), technology providers, regulators, American Indian tribes, and stakeholders; promote broad information exchange among all interested parties; maintain a helpful attitude and serve as a conscience for technology improvement at Hanford; contribute to DOE-wide communications and lessons learned
- identify, prioritize using systems analysis, and seek consensus on Hanford Site and program-specific problems, science and technology needs, and requirements; recognize baseline technology insertion points; focus on the baseline, but also identify technologies to support potential baseline alternatives if they offer risk reduction benefits or high financial return on investment by improvements in environmental, safety, or health protection; devote 20% of the effort to science needs and 80% to technology needs and deployment
- be a forum for assessing and recommending potential technologies for application at Hanford; look for technologies that provide improved effectiveness, schedules, or costs in accomplishing the required results; look for technologies to reduce surveillance and maintenance costs while maintaining safe operations; focus on life-cycle costs and benefits, improvements in environmental, safety, or health protection, and improvements in performance, pollution prevention, and waste minimization relative to alternative remedies; make appropriate referrals for vendors (e.g., to DOE or the contractors)
- champion and facilitate demonstration and deployment of innovative, modified, or existing technologies that are new to the Hanford Site and share information with other sites to best leverage all available resources





- create a viable market for technology with the DOE Richland Operations Office and contractors and eliminate barriers (e.g., resistance to change and acceptance of technologies developed offsite)
- promote competitive privatization and commercialization by communicating information on Hanford's science and technology needs and technology insertion points, as well as demonstration and deployment opportunities, to commercial technology providers; help break barriers to involvement by companies new to the Hanford Site
- provide input to decision-makers (e.g., DOE Richland Operations Office, Office of River Protection, DOE Headquarters, Congress, and heads of regulatory agencies) on Hanford's highest-priority science and technology needs to ensure critical needs are funded; provide feedback to them on the site's accomplishments.